

CRIME AND CRIMINALS



CLARENCE S.
DARROW

CRIME AND CRIMINALS

An Address Delivered to the Prisoners
in the Chicago County Jail

BY
CLARENCE S. DARROW



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PREFACE.

This address is a stenographic report of a talk made to the prisoners in the Chicago jail. Some of my good friends have insisted that while my theories are true, I should not have given them to the inmates of a jail.

Realizing the force of the suggestion that the truth should not be spoken to all people, I have caused these remarks to be printed on rather good paper and in a somewhat expensive form. In this way the truth does not become cheap and vulgar, and is only placed before those whose intelligence and affluence will prevent their being influenced by it.

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If I looked at jails and crimes and prisoners in the way the ordinary person does, I should not speak on this subject to you. The reason I talk to you on the question of crime, its cause and cure, is because I really do not in the least believe in crime. There is no such thing as a crime as the word is generally understood. I do not believe there is any sort of distinction between the real moral condition of the people in and out of jail. One is just as good as the other. The people here can no more help being here than the people outside can avoid being outside. I do not believe that people are in jail because they deserve to be. They are in jail simply because they can not avoid it on account of circumstances which are entirely beyond their control and for which they are in no way responsible.

I suppose a great many people on the outside would say I was doing you harm if they should hear what I say to you this

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afternoon, but you can not be hurt a great deal anyway, so it will not matter. Good people outside would say that I was really teaching you things that were calculated to injure society, but it's worth while now and then to hear something different from what you ordinarily get from preachers and the like. These will tell you that you should be good and then you will get rich and be happy. Of course we know that people do not get rich by being good, and that is the reason why so many of you people try to get rich some other way, only you do not understand how to do it quite as well as the fellow outside.

There are people who think that everything in this world is an accident. But really there is no such thing as an accident. A great many folks admit that many of the people in jail ought not to be there, and many who are outside ought to be in. I think none of them ought to be here. There ought to be no jails, and if it were not for the fact that the people on the outside are so grasping and heartless in their dealings with the people on the inside, there would be no such institutions as jails.

I do not want you to believe that I think all you people here are angels. I do

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not think that. You are people of all kinds, all of you doing the best you can, and that is evidently not very well—you are people of all kinds and conditions and under all circumstances. In one sense everybody is equally good and equally bad. We all do the best we can under the circumstances. But as to the exact things for which you are sent here, some of you are guilty and some of you are not guilty. Some of you did the particular act because you needed the money. Some of you did it because you are in the habit of doing it, and some of you because you are born to it, and it comes to be as natural as it does, for instance, for me to be good.

Most of you probably have nothing against me, and most of you would treat me the same as any other person would; probably better than some of the people on the outside would treat me, because you think I believe in you and they know I do not believe in them. While you would not have the least thing against me in the world you might pick my pockets. I do not think all of you would, but I think some of you would. You would not have anything against me, but that's your profession, a few of you. Some

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of the rest of you, if my doors were unlocked, might come in if you saw anything you wanted—not out of any malice to me, but because that is your trade. There is no doubt there are quite a number of people in this jail who would pick my pockets. And still I know this, that when I get outside pretty nearly everybody picks my pocket. There may be some of you who would hold up a man on the street, if you did not happen to have something else to do, and needed the money; but when I want to light my house or my office the gas company holds me up. They charge me one dollar for something that is worth twenty-five cents, and still all these people are good people; they are pillars of society and support the churches, and they are respectable.

When I ride on the street cars, I am held up—I pay five cents for a ride that is worth two and a half cents, simply because a body of men have bribed the city council and the legislature, so that all the rest of us have to pay tribute to them.

If I do not want to fall into the clutches of the gas trust and choose to burn oil instead of gas, then good Mr. Rockefeller holds me up, and he uses a certain portion of his money to build universities and

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support churches which are engaged in telling us how to be good.

Some of you are here for obtaining property under false pretenses—yet I pick up a great Sunday paper and read the advertisements of a merchant prince—“Shirt waists for 39 cents, marked down from \$3.00.”

When I read the advertisements in the paper I see they are all lies. When I want to get out and find a place to stand anywhere on the face of the earth, I find that it has all been taken up long ago before I came here, and before you came here, and somebody says, “Get off, swim into the lake, fly into the air; go anywhere, but get off.” That is because these people have the police and they have the jails and the judges and the lawyers and the soldiers and all the rest of them to take care of the earth and drive everybody off that comes in their way.

A great many people will tell you that all this is true, but that it does not excuse you. These facts do not excuse some fellow who reaches into my pocket and takes out a five dollar bill; the fact that the gas company bribes the members of the legislature from year to year, and fixes the law, so that all you people are

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compelled to be "fleeced" whenever you deal with them; the fact that the street car companies and the gas companies have control of the streets and the fact that the landlords own all the earth, they say, has nothing to do with you.

Let us see whether there is any connection between the crimes of the respectable classes and your presence in the jail. Many of you people are in jail because you have really committed burglary. Many of you, because you have stolen something: in the meaning of the law, you have taken some other person's property. Some of you have entered a store and carried off a pair of shoes because you did not have the price. Possibly some of you have committed murder. I can not tell what all of you did. There are a great many people here who have done some of these things who really do not know themselves why they did them. I think I know why you did them—every one of you; you did these things because you were bound to do them. It looked to you at the time as if you had a chance to do them or not, as you saw fit, but still after all you had no choice. There may be people here who had some money in their pockets and who still went out and

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got some more money in a way society forbids. Now you may not yourselves see exactly why it was you did this thing, but if you look at the question deeply enough and carefully enough you would see that there were circumstances that drove you to do exactly the thing which you did. You could not help it any more than we outside can help taking the positions that we take. The reformers who tell you to be good and you will be happy, and the people on the outside who have property to protect—they think that the only way to do it is by building jails and locking you up in cells on week-days and praying for you Sundays.

I think that all of this has nothing whatever to do with right conduct. I think it is very easily seen what has to do with right conduct. Some so-called criminals—and I will use this word because it is handy, it means nothing to me—I speak of the criminals who get caught as distinguished from the criminals who catch them—some of these so-called criminals are in jail for the first offenses, but nine-tenths of you are in jail because you did not have a good lawyer and of course you did not have a good lawyer because you did not have enough money to pay a good

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lawyer. There is no very great danger of a rich man going to jail.

Some of you may be here for the first time. If we would open the doors and let you out, and leave the laws as they are to-day, some of you would be back to-morrow. This is about as good a place as you can get anyway. There are many people here who are so in the habit of coming that they would not know where else to go. There are people who are born with the tendency to break into jail every chance they get, and they can not avoid it. You can not figure out your life and see why it was, but still there is a reason for it, and if we were all-wise and knew all the facts we could figure it out.

In the first place, there are a good many more people who go to jail in the winter time than in summer. Why is this? Is it because people are more wicked in winter? No, it is because the coal trust begins to get in its grip in the winter. A few gentlemen take possession of the coal, and unless the people will pay \$7 or \$8 a ton for something that is worth \$3, they will have to freeze. Then there is nothing to do but to break into jail, and so there are many more in jail in the winter than in summer. It costs more for gas

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in the winter because the nights are longer, and people go to jail to save gas bills. The jails are electric-lighted. You may not know it, but these economic laws are working all the time, whether we know it or do not know it.

There are more people go to jail in hard times than in good times—few people comparatively go to jail except when they are hard up. They go to jail because they have no other place to go. They may not know why, but it is true all the same. People are not more wicked in hard times. That is not the reason. The fact is true all over the world that in hard times more people go to jail than in good times, and in winter more people go to jail than in summer. Of course it is pretty hard times for people who go to jail at any time. The people who go to jail are almost always poor people—people who have no other place to live first and last. When times are hard then you find large numbers of people who go to jail who would not otherwise be in jail.

Long ago, Mr. Buckle, who was a great philosopher and historian, collected facts and he showed that the number of people who are arested increased just as the price of food increased. When they put

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up the price of gas ten cents a thousand I do not know who will go to jail, but I do know that a certain number of people will go. When the meat combine raises the price of beef I do not know who is going to jail, but I know that a large number of people are bound to go. Whenever the Standard Oil Company raises the price of oil, I know that a certain number of girls who are seamstresses, and who work after night long hours for somebody else, will be compelled to go out on the streets and ply another trade, and I know that Mr. Rockefeller and his associates are responsible and not the poor girls in the jails.

First and last, people are sent to jail because they are poor. Sometimes, as I say, you may not need money at the particular time, but you wish to have thrifty forehanded habits, and do not always wait until you are in absolute want. Some of you people are perhaps plying the trade, the profession, which is called burglary. No man in his right senses will go into a strange house in the dead of night and prowl around with a dark lantern through unfamiliar rooms and take chances of his life if he has plenty of the good things of the world in his own home.

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You would not take any such chances as that. If a man had clothes in his clothespress and beefsteak in his pantry, and money in a bank, he would not navigate around nights in houses where he knows nothing about the premises whatever. It always requires experience and education for this profession, and people who fit themselves for it are no more to blame than I am for being a lawyer. A man would not hold up another man on the street if he had plenty of money in his own pocket. He might do it if he had one dollar or two dollars, but he wouldn't if he had as much money as Mr. Rockefeller has. Mr. Rockefeller has a great deal better hold-up game than that.

The more that is taken from the poor by the rich, who have the chance to take it, the more poor people there are who are compelled to resort to these means for a livelihood. They may not understand it, they may not think so at once, but after all they are driven into that line of employment.

There is a bill before the legislature of this State to punish kidnaping children, with death. We have wise members of the Legislature. They know the gas trust when they see it and they always see it,—

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they can furnish light enough to be seen, and this Legislature thinks it is going to stop kidnaping children by making a law punishing kidnapers of children, with death. I don't believe in kidnaping children, but the Legislature is all wrong. Kidnaping children is not a crime, it is a profession. It has been developed with the times. It has been developed with our modern industrial conditions. There are many ways of making money—many new ways that our ancestors knew nothing about. Our ancestors knew nothing about a billion dollar trust; and here comes some poor fellow who has no other trade and he discovers the profession of kidnaping children.

This crime is born, not because people are bad; people don't kidnap other people's children because they want the children or because they are devilish, but because they see a chance to get some money out of it. You cannot cure this crime by passing a law punishing by death kidnapers of children. There is one way to cure it. There is one way to cure all these offenses, and that is to give the people a chance to live. There is no other way, and there never was any other way since the world began, and the world

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is so blind and stupid that it will not see. If every man and woman and child in the world had a chance to make a decent, fair, honest living, there would be no jails, and no lawyers and no courts. There might be some persons here or there with some peculiar formation of their brain, like Rockefeller, who would do these things simply to be doing them; but they would be very, very few, and those should be sent to a hospital and treated, and not sent to jail; and they would entirely disappear in the second generation, or at least in the third generation.

I am not talking pure theory. I will just give you two or three illustrations.

The English people once punished criminals by sending them away. They would load them on a ship and export them to Australia. England was owned by lords and nobles and rich people. They owned the whole earth over there, and the other people had to stay in the streets. They could not get a decent living. They used to take their criminals and send them to Australia—I mean the class of criminals who got caught. When these criminals got over there, and nobody else had come, they had the whole continent to run over, and so they could raise sheep

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and furnish their own meat, which is easier than stealing it; these criminals then became decent, respectable people because they had a chance to live. They did not commit any crimes. They were just like the English people who sent them there, only better. And in the second generation the descendants of those criminals were as good and respectable a class of people as there were on the face of the earth, and then they began building churches and jails themselves.

A portion of this country was settled in the same way, landing prisoners down on the southern coast; but when they got here and had a whole continent to run over and plenty of chances to make a living, they became respectable citizens, making their own living just like any other citizen in the world; but finally these descendants of the English aristocracy, who sent the people over to Australia, found out they were getting rich, and so they went over to get possession of the earth as they always do, and they organized land syndicates and got control of the land and ores, and then they had just as many criminals in Australia as they did in England. It was not because the world had grown bad; it was because

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the earth had been taken away from the people.

Some of you people have lived in the country. It's prettier than it is here. And if you have ever lived on a farm you understand that if you put a lot of cattle in a field, when the pasture is short they will jump over the fence; but put them in a good field where there is plenty of pasture, and they will be law-abiding cattle to the end of time. The human animal is just like the rest of the animals, only a little more so. The same thing that governs in the one governs in the other.

Everybody makes his living along the lines of least resistance. A wise man who comes into a country early sees a great undeveloped land. For instance, our rich men twenty-five years ago saw that Chicago was small and knew a lot of people would come here and settle, and they readily saw that if they had all the land around here it would be worth a good deal, so they grabbed the land. You can not be a landlord because somebody has got it all. You must find some other calling. In England and Ireland and Scotland less than five per cent own all the land there is, and the people are

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bound to stay there on any kind of terms the landlords give. They must live the best they can, so they develop all these various professions—burglary, picking pockets and the like.

Again, people find all sorts of ways of getting rich. These are diseases like everything else. You look at people getting rich, organizing trusts, and making a million dollars, and somebody gets the disease and he starts out. He catches it just as a man catches the mumps or the measles; he is not to blame, it is in the air. You will find men speculating beyond their means, because the mania of money-getting is taking possession of them. It is simply a disease; nothing more, nothing less. You can not avoid catching it; but the fellows who have control of the earth have the advantage of you. See what the law is; when these men get control of things, they make the laws. They do not make the laws to protect anybody; courts are not instruments of justice; when your case gets into court it will make little difference whether you are guilty or innocent; but it's better if you have a smart lawyer. And you can not have a smart lawyer unless you have money. First and last it's a question of

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money. Those men who own the earth make the laws to protect what they have. They fix up a sort of fence or pen around what they have, and they fix the law so the fellow on the outside can not get in. The laws are really organized for the protection of the men who rule the world. They were never organized or enforced to do justice. We have no system for doing justice, not the slightest in the world.

Let me illustrate: Take the poorest person in this room. If the community had provided a system of doing justice the poorest person in this room would have as good a lawyer as the richest, would he not? When you went into court you would have just as long a trial, and just as fair a trial as the richest person in Chicago. Your case would not be tried in fifteen or twenty minutes, whereas it would take fifteen days to get through with a rich man's case.

Then if you were rich and were beaten, your case would be taken to the Appellate Court. A poor man can not take his case to the Appellate Court; he has not the price; and then to the Supreme Court, and if he were beaten there he might perhaps go to the United States Supreme

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Court. And he might die of old age before he got into jail. If you are poor, it's a quick job. You are almost known to be guilty, else you would not be there. Why should any one be in the criminal court if he were not guilty? He would not be there if he could be anywhere else. The officials have no time to look after all these cases. The people who are on the outside, who are running banks and building churches and making jails, they have no time to examine 600 or 700 prisoners each year to see whether they are guilty or innocent. If the courts were organized to promote justice the people would elect somebody to defend all these criminals, somebody as smart as the prosecutor—and give him as many detectives and as many assistants to help, and pay as much money to defend you as to prosecute you. We have a very able man for State's Attorney, and he has many assistants, detectives and policemen without end, and judges to hear the cases—everything handy.

Most of all our criminal code consists in offenses against property. People are sent to jail because they have committed a crime against property. It is of very little consequence whether one hundred

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people more or less go to jail who ought not to go—you must protect property, because in this world property is of more importance than anything else.

How is it done? These people who have property fix it so they can protect what they have. When somebody commits a crime it does not follow that he had done something that is morally wrong. The man on the outside who has committed no crime may have done something. For instance: to take all the coal in the United States and raise the price two dollars or three dollars when there is no need of it, and thus kill thousands of babies and send thousands of people to the poorhouse and tens of thousands to jail, as is done every year in the United States,—this is a greater crime than all the people in our jails ever committed, but the law does not punish it. Why? Because the fellows who control the earth make the laws. If you and I had the making of the laws, the first thing we would do would be to punish the fellow who gets control of the earth. Nature put this coal in the ground for me as well as for them and nature made the prairies up here to raise wheat for me as well as

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for them, and then the great railroad companies came along and fenced it up.

Most all of the crimes for which we are punished are property crimes. There are a few personal crimes, like murder—but they are very few. The crimes committed are mostly those against property. If this punishment is right the criminals must have a lot of property. How much money is there in this crowd? And yet you are all here for crimes against property. The people up and down the Lake Shore have not committed crime, still they have so much property they don't know what to do with it. It is perfectly plain why these people have not committed crimes against property; they make the laws and therefore do not need to break them. And in order for you to get some property you are obliged to break the rules of the game. I don't know but what some of you may have had a very nice chance to get rich by carrying the hod for one dollar a day, twelve hours. Instead of taking that nice, easy profession, you are a burglar. If you had been given a chance to be a banker you would rather follow that. Some of you may have had a chance to work as a switchman on a railroad where you know, ac-

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cording to statistics, that you can not live and keep all your limbs more than seven years, and you can get fifty dollars or seventy-five dollars a month for taking your lives in your hands, and instead of taking that lucrative position you choose to be a sneak thief, or something like that. Some of you made that sort of choice. I don't know which I would take if I was reduced to this choice. I have an easier choice.

I will guarantee to take from this jail, or any jail in the world, five hundred men who have been the worst criminals and law-breakers who ever got into jail, and I will go down to our lowest streets and take five hundred of the most abandoned prostitutes, and go out somewhere where there is plenty of land, and will give them a chance to make a living, and they will be as good people as the average in the community.

There is a remedy for the sort of condition we see here. The world ever finds it out, or when it does find it out it does not enforce it. You may pass a law punishing every person with death for burglary, and it will make no difference. Men will commit it just the same. In England there was a time when one hun-

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dred different offenses were punishable with death, and it made no difference. The English people strangely found out that so fast as they repealed the severe penalties and so fast as they did away with punishing men by death, crime decreased instead of increased; that the smaller the penalty the fewer the crimes.

Hanging men in our county jails does not prevent murder. It makes murderers.

And this has been the history of the world. It's easy to see how to do away with what we call crime. It is not so easy to do it. I will tell you how to do it. It can be done by giving the people a chance to live—by destroying special privileges. So long as big criminals can get the coal fields, so long as the big criminals have control of the city council and get the public streets for street cars and gas rights, this is bound to send thousands of poor people to jail. So long as men are allowed to monopolize all the earth, and compel others to live on such terms as these men see fit to make, then you are bound to get into jail.

The only way in the world to abolish crime and criminals is to abolish the big ones and the little ones together. Make

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fair conditions of life. Give men a chance to live. Abolish the right of the private ownership of land, abolish monopoly, make the world partners in production, partners in the good things of life. Nobody would steal if he could get something of his own some easier way. Nobody will commit burglary when he has a house full. No girl will go out on the streets when she has a comfortable place at home. The man who owns a sweatshop or a department store may not be to blame himself for the condition of his girls, but when he pays them five dollars, three dollars, and two dollars a week, I wonder where he thinks they will get the rest of their money to live. The only way to cure these conditions is by equality. There should be no jails. They do not accomplish what they pretend to accomplish. If you would wipe them out, there would be no more criminals than now. They terrorize nobody. They are a blot upon any civilization, and a jail is an evidence of the lack of charity of the people on the outside who make the jails and fill them with the victims of their greed.

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